

Applicants: Betty A. Diamond and Bruce T. Volpe  
Appn. No.: 10/574,994  
Filing Date: January 31, 2007  
Page 3 of 3

REMARKS

By this amendment, the specification has been amended to provide a replacement Sequence Listing for the subject application.

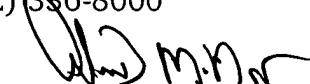
The content of the Sequence Listing information recorded in computer readable form (CRF) filed herewith on floppy disk is identical to the paper copy of the Sequence Listing (1 page) filed herewith, and includes no new matter, as required by 37 C.F.R. §1.821(e), §1.821(f), §1.821(g), §1.825(b) or §1.825(d).

No fee is deemed necessary in connection with the filing of this amendment. However, if a fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
Attorneys for Applicants  
90 Park Avenue  
New York, NY 10016  
(212) 336-8000

By

  
Alan D. Miller, Reg. No. 42,889

Dated: October 16, 2009  
New York, New York



761112  
CJA/1041

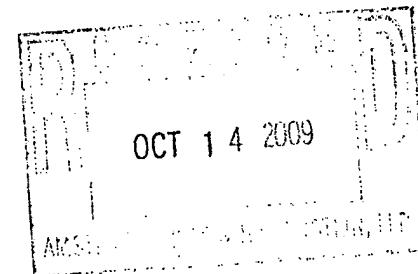
# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------|-------------|----------------------|---------------------|------------------|
| 10/574,994                        | 01/31/2007  | Betty A. Diamond     | 96700/1120          | 3486             |
| 1912                              | 7590        | 10/09/2009           |                     |                  |
| AMSTER, ROTHSTEIN & EBENSTEIN LLP |             |                      | EXAMINER            |                  |
| 90 PARK AVENUE                    |             |                      | NIEBAUER, RONALD T  |                  |
| NEW YORK, NY 10016                |             |                      | ART UNIT            | PAPER NUMBER     |
|                                   |             |                      | 1654                |                  |
|                                   |             |                      |                     |                  |
|                                   |             |                      | MAIL DATE           | DELIVERY MODE    |
|                                   |             |                      | 10/09/2009          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10574994                        | 1/31/2007   | DIAMOND ET AL.                                    | 96700/1120          |

EXAMINER

RONALD T. NIEBAUER

|          |       |
|----------|-------|
| ART UNIT | PAPER |
|----------|-------|

1654 20090929

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 (see attached notice to comply). On 12/5/08 applicants submitted a sequence listing and computer readable form with one sequence - a five amino acid peptide. On 6/17/09 applicants submitted a sequence listing with 2 sequences (SEQ ID NO:1-2). However, no computer readable form of SEQ ID NO:2 (the sequence MAPDWEYS) has been provided. In the reply dated 6/17/09 applicants state that a computer readable form is submitted. However, the office did not receive a computer readable form from 6/17/09. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. APPLICANT IS GIVEN 1 MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response. The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following: 1. Electronically submitted through EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>, EFS Submission User Manual - ePAVE) 2. Mailed to: Mail Stop SequenceCommissioner for Patents P.O. Box 22313 1450 Alexandria, VA 22313 14503. Hand Carry, Federal Express, United Parcel Service or other delivery service to: U.S. Patent and Trademark Office Mail Stop SequenceCustomer Window Randolph Building 401 Dulaney Street Alexandria, VA 22314. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald T. Niebauer whose telephone number is 571-270-3059. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm, alt. Friday, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Ronald T Niebauer/  
Examiner, Art Unit 1654

/Anish Gupta/  
Primary Examiner, Art Unit 1654



| Sequence Count Sheet | Application/Control No.        | Applicant(s)     |
|----------------------|--------------------------------|------------------|
|                      | 10/574,994                     | DIAMOND ET AL    |
|                      | Examiner<br>Ronald T. Niebauer | Art Unit<br>1654 |

#### DATE OF COUNT

Mark only one space below

- (CRFN)** (CRF is unreadable; use CRF Diskette Problem Report)
- (CRFD)** (CRF does not comply; use Notice to Comply)
- (CRFR)** (CRF required but none submitted; use Notice to Comply)
- (bona fide)** (second or subsequent letter to applicant reporting bona fide attempt to comply; use Notice to Comply and send copy of RSL)
- (non bona fide)** (second or subsequent letter to applicant reporting non-bona fide attempt to comply; use Notice to Comply and send copy of RSL)



## Notice to Comply

|                                |                                |
|--------------------------------|--------------------------------|
| Application No.<br>10574994    | Applicant(s)<br>DIAMOND ET AL. |
| Examiner<br>RONALD T. NIEBAUER | Art Unit<br>1654               |

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: On 6/17/09 applicants submitted a sequence listing with 2 sequences (SEQ ID NO:1-2). However, the computer readable form of record only indicates 1 sequence (SEQ ID NO:1).

#### Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing"; as well as an amendment specifically directing its entry into the application.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951  
For CRF Submission Help, call (571) 272-2510  
PatentIn Software Program Support  
Technical Assistance 1-866-217-9197 or 703-305-3028 or 571-272-6845  
PatentIn Software is Available At [www.USPTO.gov](http://www.USPTO.gov)

#### PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

/Anish Gupta/  
Primary Examiner, Art Unit 1654

/Ronald T Niebauer/  
Examiner, Art Unit 1654



96700-1120.ST25.txt  
SEQUENCE LISTING

<110> Diamond, Betty A.  
Volpe, Bruce T.

<120> TREATMENT OF COGNITIVE DYSFUNCTION IN LUPUS

<130> 96700-1120

<140> US 10/574,994  
<141> 2007-01-31

<150> PCT/US2004/032675  
<151> 2004-10-05

<150> US 60/509,162  
<151> 2003-10-07

<160> 2

<170> PatentIn version 3.3

<210> 1  
<211> 5  
<212> PRT  
<213> Artificial

<220>  
<223> Sequence in peptide or mimetic capable of binding to an anti-ds-DNA antibody.

<220>  
<221> MISC\_FEATURE  
<222> (1)..(1)  
<223> X=Asp or Glu

<220>  
<221> MISC\_FEATURE  
<222> (3)..(3)  
<223> X=Asp or Glu

<220>  
<221> MISC\_FEATURE  
<222> (5)..(5)  
<223> X=Gly or Ser

<400> 1

Xaa Trp Xaa Tyr Xaa  
1 5

<210> 2  
<211> 8  
<212> PRT  
<213> Artificial

<220>  
<223> antigen used to generate antibody

<400> 2

96700-1120.ST25.txt

Met Ala Pro Asp Trp Glu Tyr Ser  
1 5